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## Colonial Complaints Against Great Britain As Set Forth In The Declaration Of Independence And Their Justifications

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**COLONIAL COMPLAINTS AGAINST GREAT BRITAIN AS SET  
FORTH IN THE DECLARATION OF INDEPENDENCE  
AND THEIR JUSTIFICATIONS**

By

**Nettie Elma Whiting**

**A Thesis in History Submitted in Partial  
Fulfillment of the Requirements  
for the Degree of**

**Bachelor of Arts**

**in the**

**Division of Arts and Sciences**

**of the**

**Prairie View State Normal and Industrial College**

**Prairie View, Texas**

**August, 1935**

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# CHAPTER I

## INTRODUCTION

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The introduction to this treatise is better expressed perhaps in the words of Homer C. Hockett.

"Who so ever by literary arts can lend new charm to a twice told tale has no need for further excuse for telling it. He who essays the oft repeated story of the Declaration of Independence must use art to win the praise of those who know it so well.<sup>1</sup> An accurate impartial and clearly stated summary of the findings of historians must be the aim. If these be set forth with skill enough to entice readers into more intimate acquaintance with the story of the Declaration of Independence, it is well.

In writing the story of this memorable event, the author's intention is not to contribute new facts to this well told story but to shape it in such a way as to fully emphasize relations of causes and effects that are so often buried in the

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<sup>1</sup> Hockett, Homer C. United States History  
McMillan Co., N. Y., 1930, p. 3



voluminous masses of detail. One is constantly tempted in such a narrative to pause for discussion, and to add item upon item of circumstantial description because it is interesting in itself but in this story it was necessary to withstand such temptations.

In treating this subject, the author has not attempted to mention all events concerning the Declaration of Independence, but only those considered more important which bear directly upon the subject.

Another reason for writing this treatise is because of a very personal interest in the subject with the hope that my graduate study in history will afford the opportunity to enlarge and project the topic with all the care and thoroughness of a scientific research worker.

The author has endeavored to set forth step by step the events and causes of the Declaration of Independence, beginning with the close of the war in 1763, known as the Seven Years War in Europe



and the French and Indian War in America. The social, political and economic conditions have been traced with accuracy of statement and clarity of expression. Furthermore the author has attempted to furnish information that will acquaint the reader with an understanding as to why the colonies resented the treatment of the mother country toward them. How the British Government through an economic policy influenced by the mercantilistic idea looked upon the colonies as mere feeders of the British trade and how the British Parliament influenced by the same mercantile idea felt supreme over all British possessions and attempted legislature to establish such supremacy over colonial trade. Acts prohibiting colonial manufacture, acts restricting colonial trade, acts regulating colonial industry and life, all indicative of the attempt to establish its supremacy, were passed.

The British colonial doctrine of the 17th. and 18th. century that the "British Parliament had the

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<sup>1</sup>Lecky, William

American Revolution  
D. Appleton Co., N. Y., 1929, pp. 92-3



constitutional right to pass any law it saw fit for the government and regulation of the colonies, and that meek submission was the role to be played by the colonies because it was their constitutional duty to obey the parliament", was irreconcilable antagonism to the colonial idea of freedom. The tracing of this hostile spirit in colonial blood which was so short a time before English blood, is the story of the basic cause and sources of the<sup>1</sup> Declaration of Independence.

The Declaration of Independence is the document through which the colonies published their grievances and complaints against the British crown and declared themselves free and independent of Great Britain.

The first section of the Declaration constitutes a Bill of Rights; then comes the list of grievances against the colonial policy of Great Britain. These complaints have been carefully considered and painstakingly listed and analyzed so that the reader will have little or no trouble seeing the justification of these complaints. The information that

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<sup>1</sup>Fiske, John The American Revolution  
Houghton Mifflin Co., N. Y., 1919, p. 36



was used in this treatise was obtained through diligent investigation of different sources such as histories, documentary sources, and biographies.

A classified bibliography and foot notes have been included in this treatise which give full references to the sources used by the author. If my readers desire to make a further study of this work, it is the wish of the author that the reference cited here, will prove a valuable guide to other information of importance.



## CHAPTER II

### BACKGROUND FOR COLONIAL COMPLAINT

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During the years which elapsed between the overthrow of the Stuart dynasty and the victory of General Wolf in Canada, the relation between the American colonies and Great Britain was peaceful. Since the colonies had aided in the conquering of New France, Great Britain thought it unwise to irritate the colonies too much, or to do anything to weaken their loyalty; for this reason they were left much to themselves.

The outcome of the Seven Years War relieved the colonies of the dread of foreign foes, whose garrisons had hemmed them in and checked their westward expansion. With the French removed from Canada and with the ceding of Florida by Spain to England, the colonies had no enemies with which to deal. This gave them opportunity to progress un-<sup>1</sup>hampered.

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<sup>1</sup> Woodburn, David American Revolution  
D. Appleton Co., N. Y., 1929, pp. 30-31



They established schools and colleges that was supported by private expense and also public expense. In New England, education was always conducted at home, but in the Southern and Middle Colonies the children of rich parents were sent to England. On a whole education was both very widely diffused and very equal. The average intelligence was exceedingly high, but there were no eminences. The absence of any considerably leisure class, the difficulty of procuring books and the intensely commercial and money making character of the colonist were fatal to original literature. The men were more devoted to money making but there was a general ambition to educate women above their <sup>1</sup>fortunes.

The moral and political aspect of the country presented a much more blended and doubtful picture, and must have greatly perplexed those who tried to cast the horoscope of America. Nations are essentially what their circumstance make them, and the

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<sup>1</sup>Simons, A. M. Social Forces In American History  
International Pub., N. Y., 1929, pp. 22-24



circumstances of the American colonists were exceedingly peculiar. Owing to the vast extent of territory and the imperfection of the means of communication they were thrown very slightly in contact with one another and were the money making spirit was peculiarly intense, such a condition was not likely to produce much patriotism or community of feeling. On the other hand, the same circumstances had developed to an almost unprecedented degree of energy and variety of resources, independence<sup>1</sup> of character, capacity of self-government.

The most serious evil of the colonies was the number and forces of the influences which were impelling large classes to violence and archy, brutalising them by accustoming them to an unrestricted exercise of power, breaking down among that salutary respect for authority which lies at the root<sup>2</sup> of all true national greatness.

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<sup>1</sup> Woodburn, David      American Revolution  
pp. 34-35

<sup>2</sup> Lecky, William      The American Revolution  
D. Appleton Co., N. Y., 1929, pp. 36-39



To these elements of anarchy was added the enormous extent of smuggling along the American coast, and also the extreme weakness of the government, which made it impossible to enforce any unpopular law, or repress any riot.<sup>1</sup> There was no standing army, and the positions of the governors were of the most humiliating dependence. This was due to the fact that in some of the colonies all judicial authorities depended mainly or entirely for their salaries upon an annual vote of the assembly, which at all times was liable to being withdrawn or diminished. It was not possible under such circumstances that any strong feeling of respect for authority could subsist, and the absence of any great superiority either in rank or in genius contributed to foster a spirit of unbounded self-confidence among the people.<sup>2</sup>

The political charter of the colonies was based on English precedents and examples, and all used the English common law, England's form of

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<sup>1</sup> Simons, A. M. Social Forces in American History  
pp. 26-27

<sup>2</sup> Ibid, pp. 30-35



justice, etc. In all of the colonies the laws were made by assemblies elected by the people, but the governors were appointed by the king or propriated. The fact that in all the colonies the legislative power was in the hands of an elected assembly, was of great importance in colonial history. These assemblies considered themselves little parliaments while the governors considered themselves the representatives of English sovereignty in the colonies and looked upon only as bodies of men allowed to meet to make laws necessary for executing the governors instructions. The result was an almost uninterrupted quarrel<sup>1</sup> between the assemblies and the Royal governors.

The relation of this great rising and civilized community to the parent country was a question of transcendent importance to the future of the Empire. The general principle which was adopted was, that each colony should regulate with perfect freedom its local affairs, but that matters of imperial concern and especially the commercial system should

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<sup>1</sup>Fiske, John

The American Revolution  
Houghton Mifflin Co., N. Y., 1919, pp. 32-36



remain under the control of the Imperial Parliament.<sup>1</sup>

The common law and the statute law as far as they existed before the colonization, were extended to the colonies but the relation of the colonial legislatures to the government at home was not very accurately defined. The original charters authorized them to levy taxes and make laws for the colonies. They also declared that the colonies should be deemed natural-born English subjects, and should enjoy all of the privileges and immunities thereof; and they also provided that all colonial laws which were repugnant to laws made in England so far as such laws shall relate to and mention the said laws are<sup>2</sup> illegal, null and void.

Great remedial measures guaranteeing the rights of subjects, such as the Great charter or Habeas Corpus Act, were in full force in the colonies.

But the colonial legislatures with the entire assent of home government, assumed the rights of modifying almost every portion both of the common law and the

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<sup>1</sup>Fiske, John      The American Revolution  
pp. 44-46

<sup>2</sup>Lecky, William      The American Revolution  
pp. 30-33



statute law, with a view to their special circumstances. So it became a recognized principle that the colonies might legislate for themselves, as they pleased, provided that they left, untouched allegiance to the crown and acts of English Parliament in which they were expressly mentioned.<sup>1</sup>

The remarkable growth in the population and prosperity of the colonies in the eighteenth century is sufficient proof that their industrial activities were not seriously hampered by the measure of the home government. The Southern Colonists were engaged in agriculture. They had large wheat fields, tobacco plantations, rice, indigo, and lumber camps. In the New England and Middle Colonies the soil was rocky and unfertile, but the forest and fisheries<sup>2</sup> provided material for ship building and export.

With the great abundance of natural resources the colonies should have grown very prosperous through exportation of goods. But owing to the

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<sup>1</sup> Woodburn, David

The American Revolution  
pp. 48-50

<sup>2</sup> Asheley, R. L.

American Colonial History  
McMillan Co., N. Y., 1911, pp. 26-34



Mercantile Doctrine of trade they were not.

The Mercantile Doctrine according to William Lecky, "was a commonly accepted doctrine among the nations of Europe that wealth consisted in the amount of gold and silver which they had in their treasuries".<sup>1</sup> Hence, they were anxious to have a favorable balance of trade, that is, a kind of commerce that would bring more money into the country than they took out. The colonies played an important part in this scheme for it was obvious that if the mother country could get from its colonies the materials it could not produce itself, without having to pay duty on them and if it could have prosperous and populous colonies to buy its own manufactured goods, it would amass money.

More than this, it would avoid being dependent upon a foreign country for food and raw materials as it needed to import. By building upon a flourishing trade with its own colonies it would be providing ships and training seamen for the strengthening

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<sup>1</sup> Lecky, William

The American Revolution  
pp. 73-74



of the navy to be used in time of war. Therefore the maritime nations were anxious to have a self-sufficing colonial empire closed to the rest of the world and furnishing the products which it could not supply at home.<sup>1</sup>

There were no colonies so favorably suited for these purposes than the American colonies. For this reason various acts of trades were passed by the English Parliament to regulate trade and commerce and prohibit manufacturing in the American colonies. The colonists were confined to the British dominions for a market for their products as tobacco, cotton, skins, sugar, indigo, rice, etc. They were prohibited from carrying any goods from Europe to America which had not first been landed in England, and that every form of colonial manufacture which could compete with the manufactures of England was deliberately crushed. In the interest of English wool manufacture they were forbidden to export their own woolen goods to any country or even to send them from colony to colony. In the interest of English iron merchants

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<sup>1</sup> Asheley, R. L. American Colonial History  
pp. 24-26



they were forbidden to set up any steel furnaces or mills in the colonies. In the interest of English hatters, they were forbidden to export their hats. In the interest of the English sugar colonies, the importation of sugar, molasses, and rum from the French West India islands, which was of extreme importance to the New England colonies, was virtually forbidden. Every act of the colonial legislature which sought to encourage or discourage an English branch of trade was watched with jealous scrutiny.<sup>1</sup> The various prohibiting acts began friction between the colonies and England. These acts were resented very sharply. It might be safely said that these acts furnished the sparks that kindled the flame which eventually led to the Declaration of Independence. The treatment received by the colonists in Great Britain's effort to enforce these acts led to bitter resistance, and later to open violence, and later to disloyalty by the colonists. Without conscious effort on their part they had become

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<sup>1</sup>Lecky, William

American History  
pp. 54-58



molded almost over night into an American - not  
an English - social body demanding a freer life  
of independence.



### CHAPTER III

#### BRITISH COLONIAL POLICY - THE BASIS OF THE DECLARATION

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The preliminary background of the American colonies showing how the idea of Independence became rooted in the consciousness of these pioneers has been traced elsewhere in this treatise. It appears timely to discuss some of the events leading up to the Declaration of Independence Writs of Assistance.<sup>1</sup>

After the navigation acts had been passed, smuggling became very profitable and very popular. When the attention of the British government was called to this, it became aroused and attempted to suppress smuggling by issuing Writs of Assistance authorizing custom house officers to search any house they pleased for smuggled goods.<sup>2</sup>

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<sup>1</sup> Hockett, H. D. Political and Social History of the United States.  
McMillan Co., N. Y., 1929, pp. 121-23

<sup>2</sup> Fiske, John The American Revolution  
Houghton Mifflin Co., N. Y., 1919, pp. 132-33



To the colonists<sup>This</sup> was not an ordinary procedure, for it had always recognized as a part of the common law that the premises of an individual could be searched only in pursuance of a special search warrant particularly describing the place to be searched and the things to be seized.<sup>1</sup> The Writs of Assistance contained neither the name of the person suspected nor described the premises to be searched. They were good for an indefinite time, were not returnable to the court, and authorized seizures at all hours.

The issue of the warrants was resisted through unsuccessfully by the Boston Merchants. James Otis, a young lawyer, who had recently resigned his position as royal advocate for the colony, appeared for the Boston Merchants and resisted the granting of the writ as unconstitutional. His powerful speech against the writ had a profound influence on the popular mind, not only in New England, but<sup>2</sup> every where in the English colonies of America.

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<sup>1</sup> Garner, J. W. The United States  
P. F. Collier & Son, N. Y., 1928, p. 206

<sup>2</sup> Fiske, John The American Revolution  
Houghton Mifflin Co., N. Y., 1919, p. 206



He described the hardships of the colonies on account of the acts of navigation and trade, denounced the granting of assistance as a species of tyranny, such as had "cost one King of England his head and another his throne",<sup>1</sup> and declared that taxation without representation is tyranny. The speech stirred the people of the country to resistance as no other utterance had done and made the speaker one of the leaders of the revolutionary movement which had now set in. John Adams after hearing this oration declared that "there and then the child independence was born".<sup>2</sup>

Later a note of resistance was sounded by a southern orator, Patrick Henry, who stirred the people to even greater depths than Otis had done. Henry was a young lawyer whose early life had given little promise of success, and at the time of his speech, had only local reputation.<sup>3</sup> Being employed

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<sup>1</sup>Lecky, W. E., The American Revolution  
D. Appleton Co., N. Y., 1928, p. 72

<sup>2</sup>Simmons, A. M., Social Forces in American History  
D. Appleton Co., N. Y., 1929, pp. 60-62

<sup>3</sup>Lecky, W. E., American Revolution  
pp. 208-210



by the local authorities to defend the people in the celebrated Parsons' Cause, Henry took the occasion to denounce the action of the crown, in vetoing the Virginia law relating to the salaries of the clergy, and launched forth into a general discussion of the relations between the mother country and the colonies. He asserted the indefeasible right of Virginia or any colony to make laws for themselves and declared that in annulling a salutary ordinance at the request of a favored class in the community, was arbitrary and unwarranted; that instead of being a father for his people, the king had "degenerated into a tyrant and had forfeited all rights to the obedience of his subjects".<sup>1</sup> After this, Henry's fame as an orator spread rapidly throughout the colonies and the courage with which he had publicly denounced British tyranny, made him with Otis one of the leading pioneers of the revolution.<sup>2</sup>

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<sup>1</sup> Lecky, W. E., The American Revolution  
pp. 84-89

<sup>2</sup> Morrison, S. E., Sources and Documents of American Revolution  
p. 25-42



There were now on all sides symptoms by which a careful observer might have foreseen approaching dangers. The country was full of restless military

BRITISH COLONIAL  
POLICY UNDER GRENVILLE

adventures called into  
prominence from the French

and Indian War. There were frequent quarrels between the governors and assemblies.<sup>1</sup> Matters grew from bad to worse when Grenville the British prime minister in the Parliamentary session in 1764 proposed three measures, commercial, military, and financial. The acts of trade were to be strictly enforced; a standing army of ten thousand men was to be kept in America and one third of its cost was to be met by the revenue from the colonies. The British Parliament realized that taxing the Americans was a somewhat embarrassing if not dangerous procedure. They believed that as the supreme legislative body representing the whole of the British Empire, they had a right to lay taxes on any part of the empire.<sup>2</sup>

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<sup>1</sup> Ibid, pp. 210-211

<sup>2</sup> Morrison, S. E., Sources and Documents in the American Revolution  
pp. 212-215



No part of this program was accepted by the Americans. They resented the presence of a swarm of customs officials, whom they regarded as spies. They became suspicious. They wanted to know why should an army of ten thousand be sent to America after the French had been conquered.<sup>1</sup> Were the troops to be used to give the colonists themselves? Finally if parliament could levy a tax on the business of the colonies by stamp duties, what was to prevent it from levying taxes on their land houses, farms, and other possessions and what would be left to the colonist of the privileges and rights of British freemen if the chief privilege of voting taxes in the assemblies where their responsible representatives sat were thus taken away from them.<sup>2</sup> These were serious questions, and there were members of the British parliament like Pitt, Burke and Chatman, who

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<sup>1</sup>Garner, J. W. The United States  
pp. 204-15

<sup>2</sup>Fiske, John American Revolution  
pp. 37-39



understood the situation and opposed taxing the Americans. Pitt, in speeches of extraordinary eloquence, which produced an amazing effect on both sides of the Atlantic, he justified. He stood apart from all parties and declared every capital measure of the late ministry was wrong. He maintained in the strongest terms the doctrine that self-taxation is the essential and discrimination circumstance<sup>1</sup> of political feeling.

Lord Chatman and Burke were also in accord with the Americans. They urged parliament to be content to bind America by laws of trade, and do<sup>2</sup> not burden them with taxes. These men were outvoted by the Kings friends who ruled the government.

The colonists through their agents in England protected against the proposed Stamp Act, but they suggested no alternative from of taxation for the good reason that they opposed taxation in any form.<sup>3</sup> Parliament then passed the Stamp Act.

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<sup>1</sup>Lecky, W. E. The American Revolution

<sup>2</sup>Ibid, p. 161

<sup>3</sup>Morrison, S. E. Sources and Documents in American History



When the news of the Stamp Act arrived, Patrick Henry drew up a series of resolutions declaring "that the colonists were entitled to all the liberties and privileges of natural-born subjects, and that the taxation of the people by themselves or by persons chosen by themselves to represent them was the distinguishing characteristic of British freedom without which the constitution could not exist. He also declared that any attempt to invest the power of taxation in any other body than the colonial assembly was a menace to British no less than to American freedom, that the people of Virginia were not bound to obey any law enacted in disregard of these fundamental principles, and that any one who should maintain the contrary should be regarded as<sup>1</sup> a public enemy.

In explanation of the reason why a stamp tax had been decided upon, Grenville stated "that it seemed to be the most equitable and easy of collections and as it had been recommended by Americans be-

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<sup>1</sup> McDonald, Wm. Documentary Source Book of American History  
pp. 120-127



fore, he did not think it would meet with opposition.<sup>1</sup> He seemed anxious to know the sentiments of the leaders of public opinion in America on his proposed scheme and called in Benjamin Franklin who was a patriot leader from the New England colonies and was now acting as the agent of several of the colonies at London and requested his views. Franklin's opinion was that the stamp tax would meet with strong opposition in America not because it was objectionable in itself, but because the colonies denied the right of parliament to tax them in any shape or form except such as might be incidental in the regulation of their foreign commerce. Franklin himself opposed the tax, but thought that nothing could be done about it. The stamps were sent to America. On the announcement of their arrival, riots and disorders began in various parts of America. Stamp distributors were hanged in effigy and forced to resign their positions. The

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<sup>1</sup> McMaster, John B. History of Nations  
pp. 2080



supply of stamps was seized and destroyed. Bells were tolled as for the funeral of a nation. All shops were shut and the "Stamp Act" was hawked about the streets with the inscription "The folly of England and the ruin of America".<sup>1</sup> Not a box of stamps could be found in the colonies not a legal document was properly stamped and the news papers appeared with a death head in place of the stamp required. It was found absolutely impossible to enforce the law and at last the governors considering the impossibility of carrying on public business or protecting property under these conditions took the law into their hands and issued letters authorizing non-compliance with the act on ground that it was impossible to procure the requisite stamps in the colony.<sup>2</sup>

Most important of all forms of protests was the meeting of twenty-seven delegates from nine colonies in the Stamp Act Congress at New York to

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<sup>1</sup> Hockett, H. C., Political and Social History of United States pp. 121-24

<sup>2</sup> Ibid, p. 126



draw up a declaration of rights and grievances and to present to the king and Parliament a petition against the act as "having a manifest tendency to subvert the rights and liberties of the colonies".<sup>1</sup> This was the first example of United Colonial Action in America. Influenced by the protests of the Americans and the complaints of British merchants Parliament repealed the Stamp Act. The colonists hailed the repeal with rejoicing as if it were the acknowledgement of their claim to be exempt from taxation. Parliament made it clear that the repeal was only a concession to unexpected resistance and not a surrender of principle for it accompanied the repeal by a Declaratory Act stating that Parliament had "full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America, subjects of the crown of Great Britain in all cases whatsoever".<sup>2</sup>

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<sup>1</sup> Morrison, S. E. Sources and Documents  
pp. 126-27

<sup>2</sup> McDonald, Wm. Source Book of American History  
pp. 132-33



No sooner had the colonies become pacified by the repeal of the Stamp Act than they were again wrought up by the action of Parliament who under the leadership of Charles Townshend, Prime Minister, determined to enforce the Declaratory Act, and to show the colonists that England was still their master.<sup>1</sup> Accordingly, it passed a series of bills known as the Townshend Acts. One of these provided for the levying of a custom tax on tea, wine, oil, glass, paper, lead and painter's colors imported into the colonies. Another provided that the salaries of the colonial judges and governors shall be paid out of royal treasury instead of colonial treasuries as a means of rendering these officials independent of the local assemblies. And another act legalized writs of assistance and gave the admiralty courts jurisdiction of offenses against the revenue laws without the benefit of a jury. To provide for the more efficient administration of the revenue laws a board of customs commissioners

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<sup>1</sup> Simons, A. M. Social Forces in American History  
pp. 67-68



with large power of supervision was created.

Finally because the legislature of New York had refused to provide quarters and supplies for the British troops stationed in the city of New York, as required,<sup>1</sup> Parliament suspended its functions.

These acts constituted severe infringements upon the rights of trial by jury, the right of local self-government, and the independence of the judiciary of the colonies aroused them to a high pitch of indignation and drove them still farther<sup>2</sup> to resist the measures of the home government. Every where non-importation agreements were proposed for the purpose of boy cotting English products, while men like Samuel Adams, John Dickinson and Patrick Henry stirred the masses to the verge<sup>3</sup> of rebellion by impassioned eloquence.

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<sup>1</sup> Fiske, John    The American Revolution  
p. 30

<sup>2</sup> Lecky, W. E.    American Revolution

<sup>3</sup> McMasters, J. B.    The United States  
pp. 217-20



Under the Townshend Acts, the revenue from the colonies increased rapidly, but opposition in the colonies increased more rapidly still. The new commissioners were greeted with insults when they arrived in Boston and they were soon appealing for warships and troops to enforce law and order in the colonies. <sup>1</sup>The Massachusetts legislature sent a circular letter prepared by Samuel Adams to the sister colonies inviting united protest. When the governor learned of this action he ordered the legislative body to resign the letter and make apologies. The legislature refused. As result of Otis' refusal the governor sent for two regiments of troops from England to protect the British officials. Whereupon the legislature refused to provide quarters for the soldiers or to appropriate funds for their food. Benjamin Franklin had told Parliament the year before that if an army was sent to the colonies to enforce obedience it would not find a rebellion there but it might very well create one. <sup>2</sup>

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<sup>1</sup>Ibid, p. 223

<sup>2</sup>Garner, J. W., The United States  
pp. 217-20



The presence of the troops in Boston was a constant irritation to the inhabitants. The climax came in this unfortunate affair known as the "Boston Massacre". Beset by a mob of young men who were pelting them with snow balls and clubs a squad of soldiers fired into the crowd and killed four persons. The colonies were greatly excited by this deed and demanded the immediate withdrawl of troops from the town.<sup>1</sup> The governor hesitated, but he finally yielded.

On the same day of the Boston Massacre, Lord North the new Prime Minister proposed the repeal of all the Townshend duties except the tax on tea. Rather than pay tax on the tea a mob of people of Boston disguised as Indians and armed with hatchets, threw the tea over board. When the news of this act reached parliament, it decided to punish Massachusetts severely as an example for the other colonies.

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<sup>1</sup>Garner, J. W. The United States  
pp. 217-20



the other colonies. Parliament then passed a service of acts known as the five Intolerable Acts. One of these was the Boston Port Bill, which closed the port of Boston to commerce until all the tea destroyed was paid for another act known as the regulating act annulled the liberal charter of Massachusetts and took away the large measure of self-government which the colony enjoyed.<sup>1</sup> General Gage was sent over with several regiments to close the port at Boston. He was ordered to arrest and send to England for trial on charge of treason the leading agitators who were responsible for recent disorders. In its attempt to punish one colony, particularly Massachusetts, Parliament found that open resistance had been aroused and should itself throughout the entire thirteen colonies.<sup>2</sup>

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<sup>1</sup>Ibid, pp. 76-77

<sup>2</sup>Lecky, American Revolution  
p. 173-75



Expressions of sympathy and wagon loads of foods came from every colony. An army of men was sent to Boston under the leadership of General Gage, who "came to try the case in America".<sup>1</sup>

The Americans too were ready to try the case. Then arguments were up in a number of pamphlets discussing their liberties and their responsibilities. Committees of correspondence were established by Samuel Adams, as a means to notify every colony of their intentions; colonial assemblies and town meetings were held for a general congress to void the protest of America.<sup>2</sup> They send petitions to the king to repeal the intolerable acts and remove the army. Their petitions were ignored by the king. The colonies saw now that time had passed for mere addresses and declaration of grievances. The serious question before congress was whether it should put itself at the head of such union as there was in America or leave the colonies to

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<sup>1</sup>Ibid, p. 176

<sup>2</sup>Ibid, pp. 177-79



anarchy and and New England to the vengeance of the  
British troops.<sup>1</sup>

For years it had been for better treatment  
within the Empire, not separation from it, that  
the colonies dreamed on. It was only after the  
Boston Tea Party,<sup>2</sup> that separation was borned  
in the minds of the colonists.<sup>3</sup>

England made her rule of trade. The American  
colonies refused obedience. This raised the very  
vital question, "can an Empire violate the command-  
ments of trade and survive?". Lord North answered  
"No"!! for Great Britain. The American colonies  
answered with a declaration of independence and  
the American Revolution.<sup>4</sup>

As the result of the treatment by Great Britain  
the people of the colonies in the spring of 1776,  
had arrived at the conclusion that congress should  
produce or rather proclaim a formal separation  
from the mother country.<sup>5</sup>

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<sup>1</sup>Ibid, page 180

<sup>2</sup>Hockett, Political and Social History of United States

pp. 144-48

<sup>3</sup>Ibid, p. 141

<sup>4</sup>Ibid, p. 146

<sup>5</sup> Ibid, p. 148



A resolution was offered stating "that these United colonies are and ought to be free and independent states, that they are absolved from all allegiance to the British crown and that all political connections between there and the state of Great Britain is and ought to be absolved".<sup>1</sup>

This resolution was voted upon and passed. A committee was appointed then to make a draft of a declaration to be used.

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<sup>1</sup>Woodburn,



## CHAPTER IV

### THE DECLARATION OF INDEPENDENCE - A BRIEF ANALYSIS -

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The draft of the Declaration of Independence, the most famous of the American state papers was prepared by Thomas Jefferson. He wrote the Declaration out of the fullness of his heart, consulting neither book nor pamphlet. Without effort at originality he expressed with new force and beauty the beliefs and sentiments which prevailed among the people in whose behalf he wrote. The theory of government which he set forth was novel only in the well-rounded periods in which it is described. The facts submitted to a candid world contains references to occurrences with which we of today are not familiar, but each item in the arrangement is based upon specific grievances which the colonists held against the king. All were well known and the reason for the inclusion



of every one were readily understood by men of  
that time.<sup>1</sup>

To ascribe to the king all the acts of tyranny committed against the colonists was more than a mere figure of speech. The theory of the British constitution is that the king can do no wrong. This means not that the king is infallible, but that the ministers are responsible for all that is done. George III was not content to be a mere figure-head, and he took an active part in the affairs of government, especially in relation to America. It is well known that the continued efforts to compel the submission of the colonies were in accord with the views of the king, and the acts of his ministers and subordinates were deemed properly chargeable to him.<sup>2</sup>

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<sup>1</sup> Boykin, J. C. The Story of the Declaration of Independence  
p. 10

<sup>2</sup> Ibid, p. 11



The declaration will not be given in full, instead, the more important accusations of the colonists against the king of Great Britain will be mentioned.

It began with a recital of certain "self-evident" truths, such as the equality of man, the inherent right of life, liberty, property and the pursuit of happiness, the doctrine of the consent of the governed as the basis of government, and the right of revolution when governments become destructive of the ends for which they are created. Then followed a long indictment against the king, charging him with many crimes against the rights and liberties of the colonies among which are the following.

"He has obstructed the administration of justice by refusing his assents to laws for establishing judiciary powers".

"He has made judge dependent on his will alone for the tenure of their offices, and the amount

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<sup>1</sup> Morrison, S. E.

Sources and Documents in American Revolution



and payment of their salaries".

"He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance."

"He has kept among us in the times of peace, standing armies, without the consent of our legislatures".

"He has combined with others to subject us to jurisdiction foreign to our constitutions and unacknowledge by our laws giving his assent to their acts of pretended legislation, for quartering<sup>1</sup> large bodies of armed troops among us".

"For protecting them by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states".

"For cutting off our trade with all parts of the world".

For taking away our charters, abolishing one of the most valuable laws and altering, fundamentally the forms of our government. In every stage of

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<sup>1</sup>Morrison, S. E. Source and Documents in American Revolution



these oppressions we have petitioned for redress in the most humble terms. One repeated petition has been answered only by repeated injury."

"A prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of free people."<sup>1</sup>

This Declaration was adopted July 4, 1776.

This document falls logically into three parts:

ANALYSIS OF  
DECLARATION

The first sets forth principles which are regarded as self-evident that

men are by nature endowed with certain rights that governments are instituted to preserve these rights, that government derive their just powers from the consent of the governed that the governed may alter or abolish their government if it proves destructive of the ends for which it was established.

The second part enumerates the acts of the king which were destructive of the purposes for which governmental relations existed between the crown and the colonies.

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<sup>1</sup>  
Ibid, p. 122



The declaration differed from earlier statements of grievances in laying the blame for infractions of American rights upon the king.

The third part or conclusion is that "these white colonies are and of right ought to be free and independent states. Reduced to a single statement, the Declaration meant that the king having repeatedly violated his "compact" with his American subjects had forfeited his claim to<sup>1</sup> their allegiance.

The final paragraph was but the statement of established fact. In effect sovereignty had already been assumed. The public business of many of the colonies was even then conducted in the name of the people and not of the king and in all of them the government was in the hands of the patriots. And the congress had on May 10th. definitely decided the question for itself by recommending that the colonies which had not already done so establish governments adequate to the emergency.

The Declaration of July 4th. gave full force and finality to the actual condition of independency.<sup>2</sup>

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<sup>1</sup> Lecky, Wm. American Revolution  
pp. 244-45

<sup>2</sup> Boykin, James C. The Story of the Declaration of Independence



The Declaration was received with wild rejoicing. America had turned a sharp corner. Hesitation was no longer possible. From this moment every man was a patriot or a Loyalist. It proclaimed that a new nation had arisen in the world and that the political unity of the English race was for ever at an end.



## CHAPTER V

### C O N C L U S I O N

At a glance, one would tend to place the responsibility of colonial action as expressed in the Declaration of Independence directly on the shoulders of the mother country - Great Britain. Such an accusation would be unjust without an explanation of the Doctrine of Mercantilism which permeated the thinking as well as the economic activity. That this theory permeated the thinking of the times and led to the passing of obnoxious trade acts by Parliament is very evident and has been brought out else where in this treatise. To enlarge upon the discussion however, is beyond the scope of this treatise. The Declaration of Independence has raised certain questions. First, were the colonies legally justified in passing such measures? If so, was a precedent formed <sup>How</sup> or was a precedent established? Second, were the colonies morally justified in drawing up the Declaration of Independence? The author will attempt



to solve these two queries and use the same solution as the basis for certain definite conclusions.

The legal and constitutional right of the English Parliament to tax and impose laws on her colonies is a question of great difficulty upon which the highest legal authorities have been devided, though the decided force of legal opinion has been in favor of the right. Parliament repeatedly claimed and exercised a general right of legislating for the colonies and it is not possible to show by any distinct letter of the law that she did not have this right. Yet there were those who sympathized with the colonies claimed that Parliament may have had the right to pass acts for her colonies as far as trade and commerce were concerned but she had no right to oppress her colonies with taxes and unjust laws without their consent. Yet it is decided that the colonies were legally wrong in passing such measure. In rebelling against these measures the colonies were not establishing a precedent but were merely following those that had



been established before not by other nations particularly but by the English nation itself.

Burke brought out in his speech on conciliation examples of people that had been oppressed by laws of tyranny. He took Ireland and Wales and showed how they, when burdened with English laws had rebelled, how their English ancestors had found that the tyranny of a free people could of all tyrannies the least be endured and that laws made against the whole nation were not the most effectual methods of seeming its obedience. He also showed how the English people themselves had rebelled when they were oppressed by unjust laws and forced the Great Charter and the Bill of Rights from their tyrannical king.

✓ In answering the question, "were the colonists morally justified?" It therefore appears very evident that they were. They were not sent by the English government to America but most of them had come as out-casts; they came willingly on their own accord and largely on their own resources to uphold their religious standards. Therefore they were under <sup>little or no</sup> moral obligation to Great Britain. (In truth, the Declaration although it was by no means as unjust or as unreasonable as Great Britain had

*must*



claimed it to be, did unquestionably infringe upon themselves had rebelled when they were oppressed by unjust laws and forced the Great Charter and the Bill of Rights from their tyrannical king.)

In answering the question, were the colonies morally justified, it appears very evident they were. They were not sent by the English government to America, but most of them had come as out-casts; they came willingly on their own accord, and largely on their own resources to uphold their religious standards. Therefore they were under little or no moral obligation to Great Britain. To be sure they were not morally bound to accept her obnoxious measures. In truth the Declaration, although it was by no means unjust and unjust as Great Britain had claimed it to be did unquestionably infringe upon a principle which the English people regarded as rebellious, but, which the English people regarded as justifiable.

The founders of the Declaration of Independence were not moved by mere rebellion at being unjust taxed, but they were acuated by noble and ration sentiments



profoundly learned and not at all lacking in vision. They were leaders of a moral revolt as apostles of a new creed.

From the information submitted in this treatise it therefore seem evident to conclude as follows:

Whereas the colonies had no legal and constitutional right to the Declaration, and the act was in itself rebellious, the moral right to freedom justified such an action. In exercising this moral right, the colonists had followed a similar precedent set by Englishmen themselves, when they wrested the Magna Carta from King John in the 13th. century. This deed was then and is considered today as noble. The writer therefore believes that the Declaration was then and is today just as noble.



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